

REMARKS

The Applicants submit this Amendment and Request for Reconsideration in response to the Office Action mailed on 26 September 2005.

Previously, the Applicants provided claims 1-32 which were subject to a restriction requirement on 1 September 2005. The Applicants then elected claims 7-16 and 23-28 for examination. These claims 7-16 and 23-28 are pending in the present application and rejected by the Office Action mailed on 26 September 2005.

In this Amendment, the Applicants amend claim 12. No new matter has been added by such amendment.

In the Office Action mailed on 26 September 2005, the Examiner confirmed the telephone conversation of 1 September 2005 for the provisional election of invention Group II, claims 7-16 and 23-28. In response, the Applicants respectfully affirm such election. Claims 1-6, 17-22, and 19-32 are withdrawn from further consideration as being directed to a non-elected invention.

In the same Office Action, the Examiner rejected claims 7-16 and 23-28 under 35 U.S.C. § 103(a) as being unpatentable over Thome et al. (U.S. Patent Application Publication No. 2004/0203620) and further in view of Mittal (U.S. Patent Application Publication No. 2004/0043788). In response, the Applicants respectfully disagree and submit that all pending claims 7-16 and 23-28 are allowable over the prior art of record for at least the following reasons.

Thome et al. describe an SMS message that includes a time stamp field, a time offset field, and a UTC/Local field. See Thome et al., “UTC or Local Field 624” and “Time Offset Field 620” in FIG. 6 as well as paragraphs 37, 41, and 45. In the rejection, the Examiner directs the Applicants’ attention to paragraph 35 of Thome et al. which relates to the “UTC or Local Field 624” of the SMS message.

The Applicants respectfully submit that there is no suggestion or motivation to one ordinarily skilled in the art to provide the “UTC or Local Field 624” of Thome et al. in a removable user identity module (R-UIM) as the Examiner argues. Specifically, there is no suggestion or motivation to provide Thome et al. with a timestamp mode indicator field in memory of an R-UIM (not explicitly described in Thome et al.) for indicating a timestamp mode of operation of a home message center as one of a coordinated universal time (UTC) mode and a non-UTC mode, as recited in the claims. As one ordinarily skilled in the art will appreciate, an R-UIM contains non-volatile memory which is used to semi-permanently store important information. However, the “UTC or Local Field 624” of Thome et al. is provided in each SMS message, on a message-by-message basis. In contrast, the stored indicator in the R-UIM of the present application relates to a UTC mode or non-UTC mode of operation of a home message center associated with the mobile device – not relating to an indication in the SMS message itself. As apparent, these are two different things; one approach may appear to teach away from the other approach. Thus, there is no suggestion or motivation to modify Thome et al. to provide such an indicator in an R-UIM (not explicitly described in Thome et al.) as argued by the Examiner.

Even further, there is no suggestion or motivation to combine the teachings of Thome et al. and Mittal as the Examiner asserts. The Examiner states that “[t]he method [of Mittal] involves transmitting a text message to a mobile station (10) over a network” as if to suggest that the text message itself is used to communicate parameters for programming. However, this is not the case. Parameters for programming the R-UIM in Mittal are performed after the receipt of a text message and not within any text message itself. In addition, Thome et al. describe a “UTC or Local Field 624” in each SMS message, on a message-by-message basis, which is different from a parameter in a programming mode during OTASP. The receipt of SMS messages in Thome et al. is not a programming mode. Thus, there is little suggestion or motivation to utilize OTASP for programming a “UTC or Local Field 624” indicator of Thome et al. in an R-UIM.

Finally, the teachings of Thome et al. are ambiguous regarding whether any timestamp mode indication is stored in memory. In paragraph 43 of Thome et al., it is stated that

operation proceeds to step 724 wherein a determination is made regarding whether the mobile station is configured to display the message sent time as received or to adjust the message sent time. This step may be considered optional in that only certain mobile stations may be configured with the option to selectively process the message time on an as received or adjust basis. If at step 724 the mobile station is set to display the time as received, the operation advances to step 730...

As apparent, these statements in Thome et al. are ambiguous as to whether any indication would be stored in non-volatile memory or R-UIM. For example, the mobile station could use the “UTC or Local Field 624” of the SMS message for making processing decisions. Also, the mobile station could be “configured” to have pre-programmed computer instructions to perform one of the particular operations described. The Examiner points out that Thome et al. describe various types of memory in paragraph 27; Thome et al., however, fail to make any association with any type of memory and device configuration.

If the Examiner is arguing inherency in Thome et al, then the Examiner has failed to articulate an inherency argument as required by the MPEP. Probabilities and possibilities in prior art teachings are insufficient for arguing inherency; the limitations must necessarily be present. Even assuming more, the stored indicator in the R-UIM of the present application relates to a UTC mode or non-UTC mode of operation of a home message center associated with the mobile device – which is not the same as the “configuration” of a mobile device to operate in some manner. Further, there is little suggestion or motivation to utilize OTASP for programming any such configuration of a mobile station of Thome et al. in an R-UIM.

Based on the arguments provided herein, the Applicants respectfully submit that the pending claims are allowable over the prior art of record. The Applicants respectfully submit that the application is in a condition suitable for allowance, and request for withdrawal of all rejections of claims 7-16 and 23-28.

The Applicants encourage the Examiner to contact the undersigned if it helps to expedite prosecution of the present application. Thank you.

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Respectfully submitted,

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